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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,097	07/31/2001	Ron J. Hudson	108.0004-00000	6784

22882 7590 11/26/2007  
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EXAMINER
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CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/921,097	Applicant(s) HUDSON ET AL.	
	Examiner Sumaiya A. Chowdhury	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-56 and 59-70 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-56 and 59-70 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/23/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-56, and 59-70 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-21, 23-33, 35-45, 47-56, and 59-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Armstrong (7017173).

As for claims 1, 16, and 31, Armstrong discloses a method for using an interactive video, the method comprising the steps of:

Delivering the video (content stream) to a client application accessible by a user and displaying the video on a visual display, the video having at least one embedded interface link (selectable graphical layer) associated therewith, the interface link adapted to be displayed on the visual display and being linked to ancillary content accessible over a network – col. 13, lines 35-45;

interacting with the interface link to access the ancillary content – col. 13, lines 45-50;

interrupting the delivery of the video to the client application at a point in time after the interacting with the interface link – col. 13, lines 45-61;

transmitting via the client application a request of the user for the ancillary content over the network to a remote site where the ancillary content is stored – col. 14, lines 30-47.

delivering the ancillary content to the client application and displaying the ancillary content on the visual display – col. 14, lines 3-9; and

continuing the delivery of the video to the client application from the point in time when the delivery of the video was interrupted/paused after the interacting with the interface link – col. 14, lines 9-18.

As for claims 2, 17, 32, and 44, Armstrong discloses wherein the displaying step includes streaming video over a network to the visual display – col. 13, lines 35-39.

As for claim 3 and 18, Armstrong discloses wherein the interacting step includes interacting with an interface link that is embedded in the video – (col. 13, lines 35-45).

As for claim 4, 19, and 63, Armstrong discloses wherein said interacting step includes overlaying the interface link on the video on the visual display – (col. 13, lines 35-45).

As for claim 5, 20, and 62, Armstrong discloses interacting with the interface link originating from a feed separate from a feed of the video – col. 14, lines 30-47.

As for claims 8, 23, 35, and 47, Armstrong interacting with primary ancillary content having a link to secondary ancillary content – fig. 4, col. 9, lines 27-62.

As for claims 9, 24, 36, and 48, Armstrong discloses wherein said displaying step includes displaying an interface link that provides the appearance of moving across the screen of the visual display as the video is being played – col. 13, lines 35-45.

As for claims 10, 25, 37, and 49, Armstrong discloses conducting a commercial transaction with the user – col. 12, lines 40-45.

As for claims 11, 26, 38, and 50, Armstrong discloses accessing the ancillary content having a link to a site adapted to transact the commercial transaction – col. 12, lines 40-45.

As for claims 12, 27, 39, and 51, Armstrong discloses wherein said interacting step includes accessing ancillary content including information relating to the video – col. 13, lines 39-45.

As for claims 13, 28, 40, and 52, Armstrong discloses wherein said interacting step includes accessing ancillary content including video – col. 7, lines 27-30.

As for claims 14, 29, 41, and 53, Armstrong discloses a commercial transaction using the ancillary content – col. 12, lines 40-45.

As for claim 15, 30, 42, and 54, Armstrong discloses displaying the video having a plurality of the interface links associated therewith – col. 13, lines 35-45.

As for claims 6, 21, 33, and 45, Armstrong discloses wherein the interface link is hidden from view until the viewer selects the image, resulting in invoking a linked URL which leads to a web location which provides information related to the image (Referring fig. 4, the selected link is not displayed until the user interrupts the content. - col. 9, lines 27-63)

Claim 43 contains the limitations of claim 1, 4, and 5 and is analyzed as previously discussed with respect to those claims.

Claim 43 additionally calls for:

Displaying the link based on the time elapsed during the display of the video (col. 13, lines 35-45).

Claim 55 contains the limitations of claims 1, 10, and 11, and is analyzed as previously discussed with respect to those claims.

As for claim 56, Armstrong teaches completing a transaction with the commerce site (If the user purchases something, then the user must complete a transaction with the commerce site) – col. 12, lines 40-45.

Claim 59 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 59 additionally calls for the following:

Encoding and storing the video onto a remote storage medium (memory at the headend) at a first site (headend) – (The STB decodes the data it receives, hence the data is encoded at the headend prior to transmitting it to the STB where it is decoded. Data is recorded (saved) at the headend.);

associating the link program with the video (associating the link program with the video and resuming the video at the point where it was last left off such that the user does not miss out on any content. Since the system allows the user to resume playback where last left off, there is a link program – col. 14, lines 9-18);

As for claim 60, Armstrong discloses wherein said associating of the link program includes encoding the link program with the video onto the storage medium – (The advertisement is pre-recorded at the headend where data is recorded to be transmitted

between frames identifying the position and extent of an object in the adjacent frame, and associating the object with a specific URL).

As for claim 61, Armstrong discloses wherein the encoding of the link program is performed simultaneously with encoding the video – (As discussed above in claim 60, since the data associating the object with a specific URL is pre-recorded with the video at the headend, the link program is simultaneously encoded with the video).

As for claim 64, Armstrong teaches the step of measuring includes interacting with a time code marker embedded in the video – (The advertisement objects are embedded in the video stream and change with time. -col. 13, lines 35-45).

As for claim 65, Armstrong discloses embedding a time code marker in the video to permit the display of an interface link to the ancillary content based on the time elapsed during the display of the video– (The advertisement objects are embedded in the video stream and change with time. -col. 13, lines 35-45).

Claims 66-70 contains the limitations of claims 1 and 59 and are analyzed as previously discussed with respect to those claims.



***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 22, 34, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong and further in view of Call (6154738).

As for claims 7, 22, 34, and 46 Armstrong fails to disclose wherein said displaying step includes displaying the interface link being at least a partially transparent graphic.

In an analogous art, Call discloses wherein a transparent graphic is displayed to indicate to the user a particular message – col. 19, lines 40-50.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Armstrong's system to include wherein partially transparent graphics are displayed, as taught by Call, for the advantage of indicating a particular message to the user.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER